

PLANNING COMMISSION MINUTES  
JANUARY 3, 1995

Present: Chairman Mark Green, Lois Williams, Dean Jolley, Ken Cutler, Dick Drescher; Barbara Holt, City Council Representative; Rusty Mahan, City Attorney; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary

Absent: Elaine McKay, Mike Holmes, Don Milligan

The minutes of December 6, 1994 were modified with the following paragraph added to page #5, "There was no comment from the public concerning this proposed ordinance. No one appeared for this item at the public hearing". The minutes were unanimously approved as modified.

Elections for Chairman and Vice-Chairman for the new year 1995.

Mr. Green expressed his appreciation and privilege to serve as Chairman of the Planning Commission. Mr. Green hopes that he has done an adequate job and he loves the City of Bountiful. Mr. Green has enjoyed being on the Planning Commission for the past three plus years and being the chairman has been a real treat. Mr. Green appreciates everyone's support and the opportunity to serve in this capacity.

Mr. Green opened the floor for nominations for Chairman. Dick Drescher made a motion to nominate Mike Holmes, currently Vice Chairman and not present, for Chairman for the Planning Commission; seconded by Barbara Holt. No other nominations were made. The motion was unanimously approved. Mr. Green opened nominations for Vice-Chairman with his nomination for Elaine McKay; seconded by Dick Drescher. No other nominations were made. The motion was unanimously approved. Barbara Holt made the motion that Mark Green conduct the remainder of the meeting; seconded by Dick Drescher and was unanimously approved.

#### Subdivisions

1. Consider preliminary and final subdivision approval for Northern Hills Plat C Subdivision (includes all of Lots 1 and 2, Northern Hills Plat A)

Jack Balling explained to the Planning Commission that the owners of Lots 1 & 2 have made some changes on the lots. A portion of Lot 1 has been deeded to Lot 2 to make a larger lot and lot 1 has an addition from the property on the west. The State requires that an amended plat be filed. The owners have prepared an amended plat which now creates a new two lot subdivision (flat C) and vacates original lots 1 & 2 of Plat A. The plat meets all the requirements for the subdivision. The easements on Lots 1 & 2 need to be vacated. The Staff recommends sending this to the City Council for preliminary and final approval with the corrections on the subdivision plat being made and the conditions on the staff report listed below.

1. All corrections as noted by staff be shown on the plat.

2. Payment of storm detention fee of \$139.00 for the portion not originally in the plat.
3. Payment of subdivision checking and recording fee=\$93.00.
4. Payment of water and sewer connection fees at time building permit is issued.

Lois Williams made a motion to recommend Northern Hills Plat C Subdivision, which includes all of lots 1 & 2, Northern Hills Plat A to the City Council for preliminary and final subdivision approval subject to the recommendations of the staff; seconded by Ken Cutler. Unanimously approved.

#### Site Plans

2. Consider preliminary site plan approval for a new building for the Bountiful LDS Seminary at 64S S. 400 E.

Dennis Butler, architect for the LDS Seminary, was introduced by Mark Green. Blaine Gehring asked Mr. Butler to present the site plans and to address the staff with the concerns that have been outlined in the staff report.

Mr. Butler explained to the Planning Commission that he knows some of the concerns of the staff are the drainage, existing utilities and if they are adequate, and the question of the access and parking for the seminary that is school district property. The issue of the use of the land from the school district has not yet been resolved. Mr. Butler understands that the school is amenable to the issue but the paper work has not been done. There isn't a letter or signed agreement giving permission to use the property belonging to the school board. For the utilities a new gas line needs to be run from Orchard Drive, a larger water line out from the street and the existing sewer will be used.

A discussion was made between the Planning Commission members and the staff regarding the staff's recommendations. The issue of a written agreement needs to be a stipulation. Mr. Gehring recommended that if the Planning Commission is ready to grant preliminary approval that this stipulation be put into place before presenting it to the City Council. Mr. Gehring also mentioned the staff needs a plan with the landscaping and the location of fire hydrants.

Mark Green made a motion to recommend preliminary site plan approval for the new Bountiful LDS Seminary at 64S S. 400 E. subject to the verification of the acquisition of the property for the additional parking area or the redesign of the parking area to fit within the property that the LDS Church has now and a written agreement for access to the public street for traffic and utilities. Dick Drescher seconded the motion; unanimously approved.

#### Conditional Use Permit

3. Public Hearing to Consider Granting a Conditional Use Permit to allow 8 multiple family units on .48 acres at 137 W. 100 N., Brian Knowlton, developer.

Mark Green opened the meeting for the Public Hearing, then turned the time over to Blaine Gehring for the recommendations from the staff. Mr. Gehring addressed the Planning Commission stating that this is one of the first considerations under the new density incentive bonus that has been added to the zoning ordinance. Mr. Knowlton has purchased an existing duplex at 57 N. 100 W. and an adjoining vacant parcel at 137 W. 100 N.. The property is zoned R3-16 which allows up to 13 units per acre without a conditional use permit and additional 3 units per acre with the density incentive bonus. Mr. Knowlton would like to combine the two properties and renovate the existing duplex and build an additional 6 units that are two level, two bedroom townhouses with single attached garage and parking. With the .48 acres Mr. Knowlton owns he may have up to 8 units. Going through the density bonus there have been some questions raised.

1. The staff would like to see a new detailed landscaping plan submitted with all trees and shrubbery.
2. The ordinance requires that 70% of the materials being used for the exterior be in quality brick, or natural stone, and the remaining 30% being stucco or masonite type material.
3. The parking that is required for two bedroom units are to have two parking spaces, one of these spaces has to be covered. This requirement has been met with each unit having an attached garage and 6 additional parking spaces. The duplex will have a new 2 car garage with 2 parking spaces in front of the garage.
4. The fencing around the property is required to be either wood or masonry type of fence. Mr. Knowlton would like to use a vinyl type fence.
5. An extra turnaround space should be provided to allow cars to turn around in the parking area when all spaces are full. This turnaround will be marked "no parking". To meet the fire code the dumpster needs to be moved so it is off the property line by at least 5 ft.
6. Installation of a fire hydrant at the entrance on 100 North for adequate fire protection is also required.

All other requirements under the density incentive bonus have been met. Staff recommends to the Planning Commission the approval of the conditional use permit and approval of preliminary and final sit plan subject to all conditions.

Brian Knowlton, developer, addressed the Planning Commission with the concerns that the staff has on the fencing of the property. Mr. Knowlton is proposing that the fencing be done in a new vinyl type fence that gives the appearance of a painted wood fence. There is little or no maintenance on this type of fence and Mr. Knowlton would prefer to use this type. Mr. Knowlton is also proposing that he use brick in the courtyards and on the sides to meet the 70%

of brick. He would prefer the vertical lines of vinyl siding but will use stucco in these areas over Masonite. On the north and south sides of the non-connecting buildings there will be windows added.

Mr. Green opened the meeting for the Public Hearing addressing all those who have concerns to introduce themselves and please be as brief as possible.

Robert and Lori Bergman living at 75 N. 100 W. submitted a petition in opposition for the approval to allow the building of 8 units at 137 W. 100 N.. Mr. Bergman has concerns about the property lines. Mr. Bergman questions the survey that has been done by Mr. Knowlton and would like to have another one submitted by his own surveyor. Mr. Bergman introduced his attorney, John Young, to the Commission and turned the time over to him with their concerns. Mr. Young also stated that there should be another survey submitted to make sure of the boundary lines in question. Mr. Young feels that if Mr. Knowlton's survey is incorrect he will not have the minimum footage for the yard requirements which the ordinance requires. Mr. Young is asking the Commission to consider one of the requirements in the density bonus ordinance that being neighborhood compatibility. The surrounding neighbors are not in favor of this permit. This area is surrounded by single family homes and this development is not compatible with its surroundings. Mr. Young feels this permit should be reconsidered in its entirety.

Lori Bergman addressed the Commission with her concerns of the emergency access. When Mr. Knowlton inserts the turnaround space that means there will be more pavement and that will take away from the landscaping not giving the required 40%. Mr. Gehring mentioned that with the turnaround space and the extra pad needed for the dumpster the 40% requirement is met.

Lamar Stringham introduced himself then stated he was not contacted about this permit. He feels that by the look on the faces of the members of the Commission they have already made up their minds on granting permission on this issue. Mr. Stringham and his wife then left the meeting without waiting for a response from the Planning Commission.

Mr. Gehring addressed Mr. Green and all those present that notices were sent out to all property owners within 500 ft.. Some of the home owners responded, with anger, that they did not receive any notices. Mr. Green made comment that the staff has made the effort to mail out all notices and if they were not received it wasn't the fault of the staff. That doesn't give someone a reason to accuse the Planning Commission in making a predetermined decision on an issue.

Shauna Payne introduced herself as working for the Bountiful City Fire Department and is quite concerned about the safety and fire access with this complex. Ms. Payne talked to Mike Barfuss, Bountiful City Fire Marshall, and he suggested strongly that there be a secondary access to the complex. Ms. Payne is concerned about how is she to get a fire truck in and out, how is she to get a ladder around the patios to get to the second floor? Ms. Payne also wants to know where are the children going to play?

Mr. Gehring addressed the Chairman saying he met with Mike Barfuss that morning. Mr. Barfuss comments were to put a fire hydrant and to move the dumpster. Mr. Barfuss made no mention

of the access and he made no mention of the rear yard space.

Mr. Balling explained to Ms. Payne that there is a fire hydrant out front and there is 20 ft. fire access lane and access on the east side of the building which is what the fire department requires.

Russell Newbold who resides at 94 N. 100 W. expressed his concerns about the compatibility of the neighborhood. Mr. Newbold feels that these issues should be addressed. As neighbors he does not care to have an 8 plex and as a neighborhood it is not wanted. There are concerns about the safety of the neighbors' children as well as those who will live in the complex.

Janet Palmer feels that with this complex there is going to be too many houses for the area. Her concerns are the parking, a play area for the children, the animals that will be brought in the neighborhood and is the value of her home going to go down?

Jean Keddington has lived in her home for 45 years and has great concerns about the parking. The parking is bad now and to put 8 more units on such a small piece of property is a concern.

Edward Payne living at 130 W. Center is concerned by the privacy that is shared in the area. If these units are built they will be looking directly into his back yard. In order to maintain the privacy it will be at a large expense in fencing.

Stan Layton living at 164 W. 100 N. addressed the Planning Commission with his concerns of the parking and what kind of impact these new units will cause. He respects the Commission and will support the decision being made. He feels that the City doesn't know that this street exists. The cars and parking on the street are a problem and Mr. Layton is concerned about the increase.

Jim Haskett moved to this area for the quiet home style neighborhood. Most of the homes are single family dwellings and they enjoy the area. Mr. Haskett has some concerns with the impact these units will bring on the neighborhood.

Nicole Johnson is concerned about the value of her home. This is her first home and she is quite concerned that the value will decrease. Mrs. Johnson agrees with all that has been said about the fire hazards, parking, safety of the children and she doesn't agree with the building of these units.

Jill Potts has concerns about these rental units in the future. Mrs. Potts back yard joins the back yard of some rental units and the renters leave old mattresses, clothing and garbage when they move. The City has been asked to make the owners clean up this mess and nothing seems to be done about it. In the future will the same thing happen with these rentals? Mrs. Potts is concerned about the property value going down on her home as well as all other issues that have been mentioned.

Art Greco also has a problem with the renters from his back yard. There is a 6 ft. concrete wall that separates the property along the back. Mr. Greco still gets garbage thrown across this fence into his yard. The renters nor the owners are taking care of these units.

Mr. Knowlton explained that the units he is building will be nice and high quality. There is a need for high quality rental units in Bountiful. Mr. Knowlton will build high caliber units to upgrade the property value in the neighborhood. The renters will be high quality people because of the rent being \$750.00 per month. These units will be made into three levels, a basement, main floor and upper level. The basement will not be finished at this time. When the basements are finished there will not be any bedrooms and a permit will not be granted to build any. The parking will meet all of the requirements and 40% will be landscaped and there will be a private fenced in play area.

Mark Green asked for any further comments from the public. No one had any more comments and Mr. Green closed the Public Hearing.

Barbara Holt feels that it is legitimate for the Planning Commission to look at the compatibility in the total context not just the design, materials and the architecture but also the surrounding neighborhood. Mrs. Halt feels that it is important that the Commission look at the neighbors and the neighborhood to make sure that the building units fit with the neighbors and the neighborhood.

Mark Green feels that the surrounding properties enjoy having more than the required side yards and more than the required front and back set backs. With these new units it will be going to the opposite extreme. These units will be using the minimum side yards and set backs. They will be using every square inch of usable property possible.

Ken Cutler asked if the homes with basement apartments have approved uses for this area? Are these basement apartments in compliance or are we restricting Mr. Knowlton because the neighbors are not abiding by the present code?

Blaine Gehring explained to Mr. Cutler that it needs to be clarified what is an allowed use and what is an approved use. An allowed use is multiple family units including duplexes. An approved use is that use that has been put in by permit approved by the City. We do not approve a conversion to a duplex unless there is adequate parking available. These homes with basement apartments have either been done prior to the current ordinance or they have been put in without a permit and created illegally. This has created inadequate parking.

Dick Drescher mentioned to the Commission that in his own neighborhood there are 6 townhouses and some duplexes. These units are high rent and so the renters are high quality people and good neighbors. The townhouses have unfinished basements and Mr. Drescher doesn't think that it will cause a problem because the parcels of ground are bigger. Mr. Drescher feels that when the basements are being finished in these new units that it will contribute dramatically to the parking problem. Most people will have two cars and most of the parking spaces will be taken. There will be no room for visitors to park. Mr. Drescher is also concerned about the 20 ft. driveway coming in which is fine for the fire access and driveway but when backing out of a garage or parking space the 20 ft. doesn't seem to be adequate. Mr. Drescher feels that a 24 ft. driveway needs to be provided according to ordinance standards and should be addressed. In the

density incentive bonus it talks about all the perimeter set backs are greater than the surrounding set backs. The 8 ft. set back is minimum according to the ordinance but it is not anything greater than adjacent set backs.

Dean Jolly asked if the units are 70% brick and is the vinyl fence allowable with the ordinance? Mr. Gehring explained that with the ordinance the exterior has to be brick or some type of masonry. The fence could be a suitable alternative but Mr. Gehring will have to see it for he is not familiar with it.

Lois Williams asked Mr. Knowlton what his plans were for a play area? Mr. Knowlton responded pointing out the two large landscaped areas in the back away from the road will be developed into a fenced play area for the children. Mark Green asked for any further comments from the Planning Commission. When no further comments were made Mr. Green gave the options that could be made. The Planning Commission could deny the Conditional Use Permit which will require Mr. Knowlton to wait one year before he could come back for another Conditional Use Permit or he could proceed with something he could build on the property without coming to the Commission with the exception of the site plan approval which includes up to 6 units.

Dick Drescher made a motion to deny the Conditional Use Permit to allow 8 multiple-family units on .48 archers at 137 W 100 N. based on several items of concern as far as compatibility with the neighborhood. Some driveway and landscaping issues are not compatible and do not meet the density incentive bonus and the Planning Commission needs to consider these issues. The motion was seconded by Barbara Holt. In favor of the motion to deny the permit were Mark Green, Dick Drescher, Barbara Holt and Dean Jolly. Those who opposed the motion were Lois Williams and Ken Cutler.

#### Miscellaneous

#### 4. Consider approval of new Subdivision Ordinance for Bountiful City.

Rusty Mahan, City Attorney, presented the new Subdivision Ordinance to the Commission showing the changes that have been made since the last time it was presented. Mr. Mahan presented the ordinance to the City Council and they were silent about the issues except for eliminating the cash bond. No one with the City Council wants to eliminate it. The issues previously talked about by the Planning Commission as being taken out of the ordinance have been done. The issues that have been changed are as follows:

1. CHAPTER 2: 7-2-104 (c) (5) the last sentence had the following added to it. All signatures by owners or other holders of interest in the property shall be notarized,  
in the following or similar language: "This instrument was acknowledged before me  
this (date) by (person acknowledging, title or representative, capacity, of any)."
2. CHAPTER 2: 7-2-104 (g) had the following added to it. No conditionally approved subdivision shall be recorded at the office of the Davis County Recorder

until all the

conditions upon which approval was granted, which are intended to be accomplished prior to recording, have been fulfilled.

3. CHAPTER 4: 7-4-101 (d) was added to the ordinance. Deliver to the City a corporate surety bond from an acceptable bonding company authorized to do business in the State of Utah in the amount of 100% of the total cost of public improvements as required in this ordinance, as shown on the approved engineering drawings and in according with the Citrus specifications.

4. CHAPTER 4: 7-4-102 (d) had the following added to it. The 10% cash bond described in Section 7-4-101 (a), and the 10% retention of cash bonds, letters of credit and corporate surety bonds described in Section 7-4-102 (a). shall be held by the City to guarantee the prompt replacement and/or repair of defects discovered in the improvements within one year period following the completion of all improvements. The cash bond, letter of credit and guarantee or corporate surety bond shall not be finally and fully released until all required improvements have been accepted by the City. Unless otherwise provided, all improvements shall be completed within two years from the date of the approval of the plat by the City Council. If the subdivider fails to complete improvements within two years, the City may apply all or part of any cash bond or letter of credit and guarantee to complete all or part of the improvements. The bond, whether cash or a letter of credit, shall be liable for the immediate completion of all improvements.

Mr. Mahan told the City Council that the Planning Commission did not have a recommendation on this ordinance at this time. The City Council also did not act on it waiting for the Planning Commission's recommendation if the Commission has one. Mark Green made a motion to recommend to the City Council to adopt the new Subdivision Ordinance as written and amended; seconded by Lois Williams. Unanimously approved.

Subdivisions

5. Consider final approval for Windsor Park PUD at 2028 E Ridgehill Drive, Marv Bloesch, developer.

Jack Balling explained to the Commission that this is the final step in the approval of the 5 lot PUD known as Windsor Park PUD. The conditional use permit and preliminary approval were granted on September 20, 1994. The final plat has been prepared and is ready for final approval. Lots 96 and 97 of Maple Hills 3 Plat D will be vacated and become part of the PUD. Staff recommends an approval to be sent to the City Council for approval of this PUD with the conditions listed in the report.

Marv Bloesch was present at the meeting. There was a discussion on what happened to the opposition that was present at the last meeting. Mr. Bloesch explained that there has been a

signed settled agreement on the issues and he doesn't anticipate any more problems. There were some concerns on the storm drain. Mr. Balling explained that the association will keep the drain cleaned out and there should not be any problems with any overflow or seepage underground.

Dean Jolly made a motion to recommend final approval for Windsor Park PUD at 2028 E Ridgehill Drive subject to recommendations of Staff 1-6; seconded by Ken Cutler.  
Unanimously approved.

Meeting adjourned at 10:05 PM.

--

PETITION

The undersigned are in opposition on Legal Notice Petition No. 94-13C regarding:

Permission to build 6 townhouse units at 137 West 100 North in addition to an existing duplex at 57 North 100 West and 137 West 100 North, Zone R-3-16. The developer is Brian Knowlton. (See attached for more details.)

PROPERTY OWNERS IN OPPOSITION TO PETITION NO. 94-13C